



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,204	05/27/1999	YOUZOU MATSUDA	2589-4	6143

23117 7590 01/25/2005

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/321,204

Applicant(s)

MATSUDA ET AL

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-23 objected to because of the following informalities: The term "principal" is used as an adjective to the noun word "language" and thus makes the grammar unclear and confusing. Examiner will interpret the term as "principle". Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 15 and 19 recites "...and additional language". It is unclear if this phrase refers to an additional language for the user-selected country or an additional language different than the one recited in line 11. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 10-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Cistulli, Patent #5,946,376 in view of Sanpei et al., Patent #5,732,349.

Regarding claim 1, Cistulli teaches a portable electronic apparatus incorporating software and having a wireless telephoning function(Fig.1), comprising:

a display for displaying one or more selection screens (30 Fig.1 and col.2 lines 36-44);
A first memory for storing a plurality of sets of initial data for the software to cope with different languages and at least a principle language for a country(col.1 lines 34-43 and col.2 lines 36-44);
input means operable by a user to make selections from the selection screens of a principle language for a country, and an additional language different than the principle language(col.1 lines 34-65 and col.2 lines 36-67); and
a second memory for storing data identifying the principle language used in a country and additional language, wherein, when the software is initialized, initial data corresponding to the principle language identified by the data stored in the second memory is selected from the initial data stored in the first memory (col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Cistulli is silent on disclosing selecting a country and a principal language for that country but does disclose the user being able to select a different language.

Sanpei discloses selecting a country and a principle language for that country(Sanpei col.7 lines 1-8).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cistulli's cellular telephone to include countries to be selected and their principle language instead of selecting languages only.

One of ordinary skill in the art would have been motivated to do this as Cistulli teaches a user being able to select different languages on a cellular phone and Sanpei teaches that a cellular phone can display names of different countries and is able to switch to the principle language of the corresponding country that the phone is used in. Therefore it is understood that one skilled in the art could modify Cistulli's cell phone to include simple software that displays the names of the countries and their principle language to be selected.

Regarding claim 2, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 1, further comprising:

Editing means operable by the user to edit the user-selected country, principle language and/or additional language, wherein data identifying the edited selections is stored in the second memory(Cistulli Fig.1 and col.1 lines 46-65).

Regarding claim 3, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 2, wherein, when the software of the portable electronic apparatus is initialized by use of the edited selections , the edited selections are checked so that, if incorrect data is found therein, the edited selections are automatically deleted and the software of the portable electronic apparatus is initialized by use of the country, the principle language, and the additional language selected by

the user prior to the editing(col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 4, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 2, further comprising: key that is operated to delete the edited selections(col.1 lines 55-65).

Regarding claim 5, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 4, wherein, when the software of the portable electronic apparatus is initialized by use of the edited selections, the edited selections are checked so that, if incorrect data is found therein, the edited selections are automatically deleted and the software of the portable electronic apparatus is initialized by use of the country, the principle language, and the additional language selected by the user prior to the editing(col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 6, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 4, wherein, when the key that is operated to delete the edited selections is operated, the edited selections are deleted and the software of the portable electronic apparatus is initialized by use of the country, the principle language, and the additional language selected by the user prior to the editing(col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 7, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 6, wherein, when the software of the portable electronic apparatus is initialized by use of the edited selections, the edited selections are checked so that, if incorrect data is found therein, the edited selections are automatically deleted and the software of the portable electronic apparatus is initialized by use of the country,

Art Unit: 2645

the principle language, and the additional language selected by the user prior to the editing(col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 8, Cistulli teaches portable electronic apparatus incorporating software and having a wireless telephoning function, comprising: a first memory area for storing software; a second memory area for storing a plurality of sets of initial data for the software corresponding to languages in countries the phone is used in; a third memory area for storing an index to the initial data; a display for displaying one or more selection screens(col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24);

Input means operable by a user to make selections from the selection screens of a principle language for a country, and an additional language different than the principle language; a fourth memory area for storing country and language data used to initialize the software; A fifth memory area for storing a flag indicating the selection of the country, the principle language, or the additional language using the input means; and a sixth memory area for storing data identifying the principle language, and the additional language which are selected using the input means(col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24),

wherein, when the flag in the fifth memory area is not set, the portable electronic apparatus reads out the country and language data from the fourth memory area, acquires from the third memory area an index to the initial data corresponding to the read-out country and language data, and initializes the software in the first memory area by using the initial data specified by the index and stored in the stored memory area, and when the flag in the fifth memory area is set, the portable electronic apparatus

Art Unit: 2645

initializes the software in the first memory area by using the principle language, and the additional language identified by the data in the sixth memory area(col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24)

Cistulli is silent on disclosing selecting a country and a principal language for that country but does disclose the user being able to select a different language.

Sanpei discloses selecting a country and a principle language for that country(Sanpei col.7 lines 1-8).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cistulli's cellular telephone to include countries to be selected and their principle language instead of selecting languages only.

One of ordinary skill in the art would have been motivated to do this as Cistulli teaches a user being able to select different languages on a cellular phone and Sanpei teaches that a cellular phone can display names of different countries and is able to switch to the principle language of the corresponding country that the phone is used in. Therefore it is understood that one skilled in the art could modify Cistulli's cell phone to include simple software that displays the names of the countries and their principle language to be selected.

Regarding claim 10, Cistulli in view of Sanpei teaches a portable electronic apparatus as claimed in claim 8, further comprising:

a key that is operated to delete the data selected using the input means(col.1 lines 34-65 and col.2 lines 59-67).

Regarding claim 11, Cistulli in teaches a portable electronic apparatus having a wireless telephoning function(Fig.1) comprising:

A first memory area storing a software application, a second memory area storing different sets of initialization data for initializing the software application stored in the first memory area; A display for displaying one or more selection screens, an input device operable by a user of the apparatus to select from the selection screens a principle language for a country; A third memory area storing data identifying for user-selected principle language; and country circuitry for initializing the software application by accessing one of the sets of initialization data stored in the second memory area based on the principle language identified by the data stored in the third memory area(col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24)

Cistulli is silent on disclosing selecting a country and a principal language for that country but does disclose the user being able to select a different language.

Sanpei discloses selecting a country and a principle language for that country(Sanpei col.7 lines 1-8).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cistulli's cellular telephone to include countries to be selected and their principle language instead of selecting languages only.

One of ordinary skill in the art would have been motivated to do this as Cistulli teaches a user being able to select different languages on a cellular phone and Sanpei teaches that a cellular phone can display names of different countries and is able to switch to the principle language of the corresponding country that the phone is used in.

Art Unit: 2645

Therefore it is understood that one skilled in the art could modify Cistulli's cell phone to include simple software that displays the names of the countries and their principle language to be selected.

Regarding claim 12, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 11, further comprising:

a fourth memory area storing data identifying a pre-selected country and principle language; and a fifth memory area storing a flag which is set/cleared to indicate that a user-selected country and principle language are stored in the third memory area and which is cleared/set to indicate that no user-selected country and principle language are stored in the third memory area, wherein If the flag indicates that no user-selected country and principle language are stored in the third memory area, the control circuitry initializes the software application by accessing one of the sets of initialization data stored in the second memory area based on the pre-selected country and principle language identified by the data stored in the fourth memory area(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 13, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 12, wherein the input device is further operable by the user of the apparatus to delete the user-selected country and principle language identified by the data stored in the third memory area(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 14, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 13, wherein the software application is initialized by the

Art Unit: 2645

control circuitry after the user-selected country and principal language identified by the data stored in the third memory area are deleted based on the pre-selected country and principle language identified by the data stored in the fourth memory area(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 15, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 12, wherein incorrect data stored in the third memory area is automatically deleted and the software application is thereafter initialized by the control circuitry based on the pre-selected country and principle language stored in the fourth memory area(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 16, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 11, wherein the software application comprises an electronic mail application(Cistulli 55 Fig.1 and col.1 lines 21-33; informational messages and fax services is electronic mail).

Regarding claim 17, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 1, wherein the one or more selection screens comprise a country selection screen identifying one or more countries for selection using the input means(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 18, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 1, wherein the one or more selections screens comprise a principle language selection screen identifying one or more principle languages for selection using the input means(Cistulli col.2 lines 59-67; *the initial language will identify the area the user is in and also to choose another area language if the area is foreign to*

the user).

Regarding claim 19, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 8, wherein the one or more selection screens comprise a country selection screen identifying one or more countries for selection using the input means(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 20, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 8, wherein the one or more selection screens comprise a principle language selection screen identifying one or more principle languages for selection using the input means(Cistulli *col.2 lines 59-67; the initial language screen is displayed and the user will select another language based from the selection screen*).

Regarding claim 21, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 11, wherein the one or more selection screens comprise a country selection screen identifying one or more countries for selection using the input device(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 22, Cistulli in view of Sanpei teaches the portable electronic apparatus as claimed in claim 11, wherein the one or more selection screens comprise a principle language selection screen identifying one or more principle languages for selection using the input device(Cistulli col.1 lines 34-65, col.2 lines 36-67, and col.3 lines 3-24).

Regarding claim 23, Cistulli in view of Sanpei teaches a portable electronic apparatus having a wireless telephoning function comprising: a first memory area storing a software application;

Art Unit: 2645

a second memory area storing different sets of initialization data for initializing the software application stored in the first memory area(col.1 lines 34-65 and col.2 lines 36-67);

a receiver for receiving data designating a country and a principle language for that country, a third memory area storing the designated country and principle language(Sanpei col.7 lines 1-8)

Control circuitry for initializing the software application by accessing one of the sets of initialization data stored in the second memory area based on the designated country and principle language stored in the third memory area(col.1 lines 34-65 and col.2 lines 36-67).

Cistulli is silent on disclosing selecting a country and a principal language for that country but does disclose the user being able to select a different language.

Sanpei discloses selecting a country and a principle language for that country(Sanpei col.7 lines 1-8).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cistulli's cellular telephone to include countries to be selected and their principle language instead of selecting languages only.

One of ordinary skill in the art would have been motivated to do this as Cistulli teaches a user being able to select different languages on a cellular phone and Sanpei teaches that a cellular phone can display names of different countries and is able to switch to the principle language of the corresponding country that the phone is used in. Therefore it is understood that one skilled in the art could modify Cistulli's cell phone to

include simple software that displays the names of the countries and their principle language to be selected.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 7 and 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, correcting any 112 issues, and including all of the limitations of the base claim and any intervening claims. Examiner notices the primary allowable subject matter, *along with other included limitations*, as selecting a country from a plurality of countries displayed, then after selecting a country, selecting a principle language for that country from among other languages used in the user-selected country.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2645


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
January 23, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600